

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

FILED

SEP - 9 2019

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

PATRICK KEANEY
Clerk, U.S. District Court

By _____ Deputy Clerk

Morley
Lamone ~~Johnson~~ *Johnson*
Plaintiff's full name (Please print)

AMENDED COMPLAINT

v.

Case No. 19-269-JHP-SPS

(To be filled out by Clerk's
Office only)

Dr. Sanders, Ray, Larimer, E. Martinez, (Ernesto)
Defendant(s)' full name (Please print)
+ Shanna Taylor, [scribbled out]
[scribbled out], SGT Morrison,

*Jury trial
Demanded*

For additional names please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV, pursuant to Fed. R. Civ. P. 10(a).

NOTICE

Federal Rule of Civil Procedure 5.2 and Local Civil Rule 5.3 address the privacy and security concerns resulting from public access to electronic court files. Under these rules, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Each claim you raise must be properly exhausted. If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. See 42 U.S.C. 1997e(a).

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

I. JURISDICTION

Indicate below the federal legal basis for your claim, if known.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

II. PLAINTIFF INFORMATION

Lamar Morlee Johnson, Monae'
Full name Aliases

744047
Prisoner ID #

Davis Correctional Facility
Place of Detention/Incarnation

64408 Eo 133rd Rd.
Institutional Address

Holdenville Oklahoma 74848
City State Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S)' INFORMATION

List the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained on the first page. Attach additional sheets of paper as necessary. Do not write on the backs of any additional sheets. See Local Civil Rule 5.2(a).

Defendant 1: Dr. Sanders
Full Name
Doctor of Doc of
Current Job Title
6666 E. 133rd Rd
Current Work Address
Holdenville Oklahoma 74848
City State Zip Code

Defendant 2: Ralf Lanimer
Full Name
Coltosa A (Correctional health service Administrator)
Current Job Title
6666 E. 133rd Rd
Current Work Address
Holdenville Oklahoma 74848
City State Zip Code

Defendant 3:

Ernesto Martinez (Ernesto)

Full Name

Fox-unit manager

Current Job Title

6666 E. 133rd Rd

Current Work Address

Holdenville, Oklahoma

City

State

74848

Zip Code

Defendant 4:

Shanna Taylor

Full Name

Fox-delta's Case manager

Current Job Title

6666 E. 133rd Rd

Current Work Address

Holdenville, Oklahoma

City

State

74848

Zip Code

Defendant 5:

Sgt Morrison

Full Name

DoCF-Prisoner/Intake officer

Current Job Title

6666 E. 133rd Rd

Current Work Address

Holdenville

City

Oklahoma

State

74848

Zip Code

STATEMENT OF CLAIMS

A. Claim 1

Date(s) of occurrence: May 15, 2018

Place(s) of occurrence: Davis Correctional Facility (DCF)

State which of your federal constitutional or federal statutory rights have been violated:

The Process clause, Denial of Property to the 14th Amendment.

Briefly state the FACTS that support your case. Provide a short and plain statement of how each named defendant was personally involved in the violation of your constitutional rights and why you are entitled to relief from each named defendant. See Fed. R. Civ. P. 8(a). Do not cite case law.

FACTS: So: SGT Morrison destroyed Plaintiff Johnsons Property at arrival from Dick Cor-
ners Correctional center to Davis Correctional Center.
The items destroyed were Cosmetics ordered at a previous
facility. Defendant SGT Morrison Purposely destroyed
Plaintiff's Property because of Plaintiff being transgender
or as Defendant SGT Morrison said "a man in
a man's Prison." (See attached)

B. Claim 2

Date(s) of occurrence: May 15, 2018,

Place(s) of occurrence: Davis Correctional Facility.

State which of your federal constitutional or federal statutory rights have been violated:

Denial and inadequate to a serious medical need to the 8th
Amendment of the United States Constitution.

FACTS: Defendants Ray Lanier, Dr. Sanders interfered
with Plaintiff's HRT (Hormone Replacement Therapy) medica-
tion by decreasing and discontinuing (terminating)
Plaintiff's estradiol and spironolactone. Plaintiff is a Pre-
operative MTF (male-to-female) transgender (See attached)

STATEMENT OF CLAIM

A. Claim 1: Deprivation of Property without Due Process of the 14th Amendment to the U.S. Constitution.

The Plaintiff Lamone "monie" Johnson is a Pre-operative Transgender (MTF). Whom was born a male but identify as a female. The Plaintiff Ms. Johnson was housed at Joseph Harp Correctional Center (J.H.C.C) on November 17, 2017. Plaintiff used a "Request to Staff" which is Oklahoma department of corrections Grievance Process initial attempt. Plaintiff Ms. Johnson wrote the request to staff (RTS) to Warden Carl Bear of the Joseph Harp Correctional Center. The issues raised in the request to staff was that Ms. Johnson a transgender woman with Gender identity disorder was trying to obtain cosmetics through canteen. Warden Carl Bear granted Plaintiff Ms. Johnson her relief. (See exhibit 1) Plaintiff purchased 3 cosmetic items. 1 eye shadow, 2 Foundation, 3 Lip gloss. Plaintiff's items purchased were documented on Plaintiff's Property list (See exhibit 2) Plaintiff was transferred from J.H.C.C) to Lexington Correctional Center. Ms. Johnson was at Lexington Correctional Center for 2 months. Then Plaintiff was transferred to Dick Conners Correctional Center. Plaintiff was there a month and a half. (See exhibit 2) but then let again Plaintiff was transferred to Davis Correctional Facility (D.C.F) Plaintiff arrived May 16, 2018, on that same day Plaintiff was assessed by defendant SGT Morrison. The Property officer SGT Morrison went through

He Plaintiff Ms. Johnsons Personal Property and found Ms. Johnsons Cosmetics Items. She (defendant SGT Morrison) said "oh hell no, he will not walk around at this facility with make-up." Ms. Johnson responded that she is a Transgender with Gender identity disorder that her make up was approved by Warden Carl Bear at Jolt Co. C, Ms. Johnson then politely informed Ms. SGT Morrison to please refer to the Plaintiff with female Pronouns SGT Morrison then told the Plaintiff "You are a man in a man's prison", "You will not get your cosmetics unless approved by medical." SGT Morrison confiscated and destroyed Plaintiffs cosmetics property (See exhibit 3) Plaintiff wrote a "request for health services" (sick call) to medical on two occasions (see exhibit 41, 42) the Correctional Health Services Administrator, defendant Ray Lanimer responded to both sick calls. Denying that the incident was not a "medical" issue. Plaintiff Ms. Johnson also wrote an "Inmate request" to medical the same day as the sick calls (see exhibit's 41, 42, 5) 5-17-15, again defendant Ray Lanimer responded that it was not a medical issue so the Plaintiff filed a KTS and started the Oklahoma department of corrections Grievance Process. (See exhibit's 21-2-20 for Grievance Process) Plaintiff Ms. Johnson Exhausted her administrative remedies to the best of her knowledge and ability (see exhibit's 61, 61 Backside, 62, 62 Backside, 63, 63 Backside) Ray Lanimer knew of the rights that were being violated and he did nothing to stop the situation nor granted any relief. So defendants Ray Lanimer, SGT Morrison met the deliberate indifference requirement, due to verbal resolution, and written attempts to correct the situation.

No STATEMENT OF CLAIM

Relief Requested: That SGT Morrison Pays Plaintiff Ms. Johnson \$7,000 in Punitive damages, \$895 in Compensatory damages, An Injunction, be issued to Ray Lanimer to Provide Transgender inmates with the proper, appropriate medical assistance, care, A Jury trial on all issues triable by a Jury, a declaration that the acts and omissions violated Plaintiff's U.S. Constitutional Rights, Plaintiff's cost in this suit.

B. Claim 2: Denial and inadequate Medical Care to a serious medical need of the 8th Amendment to the U.S. Constitution

The Plaintiff Lamone "monae" Johnson is and has always been a pre-operative-transgender (MTF) male-to-female (see exhibits 71, 72, 73). The Plaintiff Ms. Johnson was sentenced to 10 yrs D.O.C. on 8-26-16. The Plaintiff was detained at the Oklahoma county Sheriff's office before being sentenced where she was confined on her HRT (Hormone replacement therapy) (see exhibits 81, 82, 82 Backside, 83, 83 Backside, 84, 85). Ms. Johnson was evaluated at the Oklahoma County Sheriff's office (see exhibit 5) for gender identity disorder, which was confirmed and continued on her dosage of HRT. Estrogen (estradiol) and Testosterone Blocker (Spironolactone AKA Aldactone) (see exhibits 81, 82, 82 Backside, 83, 83 Backside, 84, 85). Ms. Johnson was sent to O.D.O.C., 9-22-16. She was assessed and processed through LARC (Lexington Assessment and Reception center) where she was assessed and continued on her HRT (see exhibits 10-1, 10-2, 10-3, 10-4).

STATEMENT OF CLAIM

Plaintiff Ms. Johnson was sent to N.F.C.C (North Fork Correctional Center) where she signed and agreed to the continuance of her HRTs (See exhibit 91, 91 Backside) from NFCC Plaintiff was transferred to Jolt. C.C and other Facilities. (See claim one.) Ms. Johnson arrived at D.C.C.C (Dick Conners correctional center) Ms. Johnson was Promised in her agreement with Oklahoma department of Corrections (See exhibit 91, 91 backside) that she would be monitored to see if she was benefiting from the hormones. Well Ms. Johnson breast tissue was some what an A-cup size. However Ms. Johnson's dysphoria about her body was not being relieved. So Ms. Johnson wrote to a "Transgender Law" center where she received Proper Adequate male to female Hormone guide.) Information from specialist in Gender identity disorders (See exhibits 11-1-15) The Plaintiff submitted a "Oklahoma department of Corrections request for health services" (Sick call) (See exhibits 12-1, 12-2, 12-3) On 3-26-18, the mental health services replied "Ms. Johnson You have an order for undergarments" (See exhibit 12-1) On 4-20-18 Plaintiff Ms. Johnson returned from a "writ" with the Oklahoma county Sheriff's office where she obtained a copy of her Medical records. "Transfer Summary" (See exhibit 13) which states the change of dosage of her Hormonal replacement therapy. Plaintiff submitted a sick call (See exhibit 12-2, 12-3) Plaintiff was informed before she could receive an adjustment to her HRT medication that she needed to be evaluated for Gender dysphoria. Plaintiff informed D.C.C.C. Doctor that she was already evaluated before entering D.C.C.C. custody by Oklahoma County Sheriff's office (See exhibit 85) Ms. Johnson showed medical records (See exhibits 81, 82, 83, 84 85; 13) but was still told that their doctor needed to evaluate her. On 5-1-18 Drs Patricia Jones evaluated Plaintiff Johnson. Ms. Johnson showed Drs Patricia Jones

STATEMENT OF CLAIM

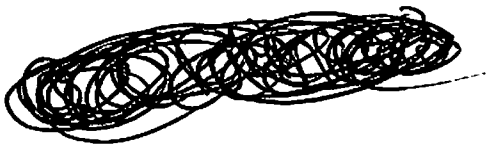
her pictures (see exhibits 71, 72) her medical records (exhibits 81, 82, 83, 84, 85, 13) well Ms. Johnson was transferred to Davis Correctional Facility on 5-16-18, Plaintiff was informed by Dr. Shepard and Defendant Ray Larimer that Patricia Jones denied Ms. Johnson having Gender Dysphoria. (see exhibits 14-1-9) Stating that Ms. Johnson had a personality disorder. Ms. Johnson was told by defendant Ray Larimer that he would be discontinuing Ms. Johnson's hormone replacement per Dr. Sanders. Ms. Johnson informed them that she has been on this medication for 3 years that stopping it would mess with her hormonal balance that has been gained over the course of 3 years. Defendant Ray Larimer informed Ms. Johnson that him and Dr. Sanders would be completely stopping Plaintiff's hormone replacement therapy (HRT) by August 2018, Plaintiff sought advice from the "Transgender Law Center" where she received "the World's Professional Associations for transgenders health." (see exhibits 17-1-113) Plaintiff meets all criteria for "gender dysphoria" and "Gender identity disorder" Plaintiff is distressed about sex assigned at birth. Ms. Johnson has felt this way for years before the age of 10 yrs old. Ms. Johnson socially changed her name and daily appearance to better cope with her dysfunctional sex assigned at birth. (see exhibits 71, 72, 73) denying Plaintiff hormone replacement therapy violates Plaintiff's serious medical care rights of the 8th Amendment of the U.S. Constitution. Plaintiff Ms. Johnson also suffers from physical and mental injuries. The physical injuries are: back pain, breast-swelling, dreadfully dried hair, breast-dryness, breast-sagging, vomiting, & Chemical-hormonal Imbalance, Neck Pain, The mental injuries are: Depression, Gender Identity disorder (increased) self-harmed, suicidal thoughts and attempts. Plaintiff exhausted Administrative

STATEMENT OF CLAIM

Remedies.

Relief Requested: A Preliminary and

Permanent injunction as well as a Temporary
restraining order against Defendant(s) Ray Lanyer,
Dr. Sanders in their official capacity ordering them
to reinstate Plaintiff's Lamone Johnson's HRT
(Hormone replacement therapy) estradiol 2 Tab a day
(4mg) (see exhibit 13) Spironolactone 2 Tab a day
(200mg) (see exhibit 13) to Not EVER discontinue
Plaintiff's HRT again, as well as Punitive, Compensatory,
Nominal damages, Punitive \$9,000, Compensatory \$7,000,
as well as a declaration that the acts and omissions
described here in violated Plaintiff's rights under the Constitution
and laws of the United States, A jury trial on all issues
triable by a jury. Plaintiff's cost in this suit.



C. Claim 3

Date(s) of occurrence: 3-14-19

Place(s) of occurrence: Davis Correctional Facility

State which of your federal constitutional or federal statutory rights have been violated:

Retaliation of the First Amendment of the US Constitution

FACTS:

Defendant Shanna Taylor, E. Martinez (Ernesto)
Retaliated against the Plaintiff for filing grievances
by withholding Plaintiff at Davis Correctional
Facility where there are inmates who are paid
to kill her as well as writing false-miscellaneous
and placing "separations" on Plaintiff and another inmate who
was a Plaintiff in this lawsuit.

Date(s) of occurrence: 3-14-19

Place(s) of occurrence: Davis Correctional Facility

State which of your federal constitutional or federal statutory rights have been violated:

Equal Protection of the 14th Amendment of the US Constitution

FACTS:

Defendant E. Martinez (Ernesto) discriminated
against Plaintiff for being a part of the "LGBTQIP"
community. by placing "separations" on her and
another inmate "Morgan's Porter #756756" whom
was a Plaintiff in this lawsuit, because he was a
gay male.

VI. RELIEF REQUESTED

Briefly state what you want the Court to do for you. Do not make legal arguments or cite cases or statutes.

(Claim 1, Claim 2 relief attached) Claim 3
Relief: Defendants remove separations placed
on both inmates for filing grievances and lawsuits.
Transfer Plaintiff Johnson away from harms way
at Davis Correctional Facility. Claim 4: An
injunction ordering removal of separations, as well as
a declaration of the acts and omissions here in violated
Plaintiff's rights under the U.S. Constitution.

VII. PRISONER'S LITIGATION HISTORY

The "Three Strikes Rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if the prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

Have you brought any other lawsuits in federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? 2

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)
- Did the court assess a "Strike" or find the dismissal a "Prior Occasion" pursuant to 28 U.S.C. 1915 (g).

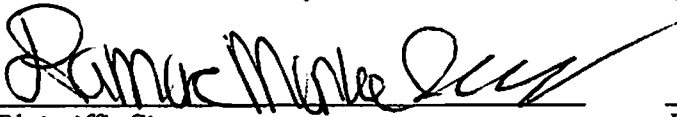
1. • Lamore M. Johnson vs. John Whetzel, et al
Docket # CIV-17-1312-R, Western District of
Oklahoma. • Violations of U.S. constitutional rights
• Dismissed due to statute of limitations. 2. Lamore M.

Johnson, VS. Deputy Warden John Doe #1
Docket # CIV-18-89-M, Western District of
Oklahoma • Violations of 8th Amendment to the
US Constitution • Failure to Payments dismissed
Without Prejudice

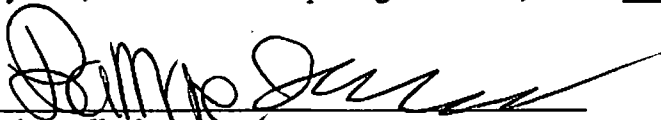
VIII. PLAINTIFF'S DECLARATIONS:

I declare under penalty of perjury that the foregoing is true and correct. To the best of my knowledge, information, and belief, this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11 of the Federal Rules of Civil Procedure.

I agree to provide the Court Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Court Clerk's Office may result in the dismissal of my case.

 9-4-19
Plaintiff's Signature Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 4th day of September, 2019.

 9-4-19
Plaintiff's Signature Date